

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CATHERINE COX,

Plaintiff,

No. CV11-5980 (SLT)(JMA)
ECF Case

-v-

KEVIN P. McKERNAN ESQ., PATRICK C.
GATINS, ESQ. and McKERNAN & GATINS,

NOTICE OF MOTION

Defendants.

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PLEASE TAKE NOTICE that, upon the declaration of plaintiff Catherine Cox, dated January 28, 2013, the Statement of Undisputed Material Facts Pursuant to Local Rule 56.1 and the exhibits attached thereto, and the accompanying memorandum of law, plaintiff Catherine Cox will move this Court, before the Hon. Joan M. Azrack, United States Magistrate Judge, at the United States Courthouse, 225 Cadman Plaza East, Courtroom 605N, Brooklyn, New York, at a date and time to be designated by the Court, for an Order:

1. pursuant to Fed. R. Civ. P. 56, granting plaintiff partial summary judgment on the issue of liability and directing the parties to proceed to trial on the issue of damages;
2. awarding prejudgment interest at the New York statutory rate of 9% per annum on any damages awarded at trial;
3. providing that all defendants shall be jointly and severally liable for any judgment entered in this action; and

4. for such other and further relief as the Court deems just and proper.

Pursuant to the Court's Order, dated December 3, 2012, opposition papers to this motion, if any, shall be served on or before February 28, 2013, and reply papers, if any, shall be served on or before March 8, 2013.

Dated: New York, New York
January 30, 2013

GREENBERG FREEMAN LLP

By: /s/ Michael A. Freeman
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